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MESSAGE STATUS: Active CATEGORY: Countervailing
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MESSAGE #
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CASE #(s): C-122-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2003 TO 12/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR NEW SHIPPER REVIEW OF CERTAIN
SOFTWOOD LUMBER PRODUCTS FROM CANADA EXPORTED BY SEED TIMBER CO. LTD.
(C-122-839)

MESSAGE NO: 5334212

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CASES: C - 122 - 839

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PERIOD COVERED: 01 01 2003 TO 12 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR NEW SHIPPER REVIEW OF
CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA
EXPORTED BY SEED TIMBER CO. LTD. (C-122-839)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON SEPTEMBER 28, 2005 (70 FR 56640) THE FINAL RESULTS OF ITS NEW
SHIPPER REVIEW OF A CERTAIN PRODUCER/EXPORTER SUBJECT TO THE
COUNTERVAILING DUTY ORDER (C-122-839) ON CERTAIN SOFTWOOD LUMBER
PRODUCTS FROM CANADA FOR THE PERIOD JANUARY 1, 2003 THROUGH
DECEMBER 31, 2003.

2. IMPORTS COVERED BY THIS REVIEW ARE SOFTWOOD LUMBER, FLOORING

AND SIDING (SOFTWOOD LUMBER PRODUCTS). SOFTWOOD LUMBER PRODUCTS

INCLUDE ALL PRODUCTS CLASSIFIED UNDER SUBHEADINGS 4407.1000, 4409.1010, 4409.1090, AND 4409.1020, RESPECTIVELY, OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS), AND ANY SOFTWOOD LUMBER, FLOORING AND SIDING DESCRIBED BELOW. THESE SOFTWOOD LUMBER PRODUCTS INCLUDE:

(1) CONIFEROUS WOOD, SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED, OF A THICKNESS EXCEEDING SIX MILLIMETERS;

(2) CONIFEROUS WOOD SIDING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED;

(3) OTHER CONIFEROUS WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES (OTHER THAN WOOD MOLDINGS AND WOOD DOWEL RODS) WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED; AND

(4) CONIFEROUS WOOD FLOORING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBETED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS ORDER IS DISPOSITIVE.

AS SPECIFICALLY STATED IN THE ISSUES AND DECISION MEMORANDUM

ACCOMPANYING THE NOTICE OF FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE: CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA, 67 FR 15539 (APRIL 2, 2002) (SEE COMMENT 53, ITEM D, PAGE 116, AND COMMENT 57, ITEM B-7, PAGE 126), AVAILABLE AT WWW.IA.ITA.DOC.GOV/FRN/, DRILLED AND NOTCHED LUMBER AND ANGLE CUT LUMBER ARE COVERED BY THE SCOPE OF THIS ORDER.

THE FOLLOWING SOFTWOOD LUMBER PRODUCTS ARE EXCLUDED FROM THE SCOPE OF THIS ORDER PROVIDED THEY MEET THE SPECIFIED REQUIREMENTS DETAILED BELOW:

(1) STRINGERS (PALLET COMPONENTS USED FOR RUNNERS): IF THEY HAVE AT LEAST TWO NOTCHES ON THE SIDE, POSITIONED AT EQUAL DISTANCE FROM THE CENTER, TO PROPERLY ACCOMMODATE FORKLIFT BLADES, PROPERLY CLASSIFIED UNDER HTSUS 4421.90.98.40.

(2) BOX-SPRING FRAME KITS: IF THEY CONTAIN THE FOLLOWING WOODEN PIECES - TWO SIDE RAILS, TWO END (OR TOP) RAILS AND VARYING NUMBERS OF SLATS. THE SIDE RAILS AND THE END RAILS SHOULD BE RADIUS-CUT AT BOTH ENDS. THE KITS SHOULD BE INDIVIDUALLY PACKAGED, THEY SHOULD CONTAIN THE EXACT NUMBER OF WOODEN COMPONENTS NEEDED TO MAKE A PARTICULAR BOX SPRING FRAME, WITH NO FURTHER PROCESSING REQUIRED. NONE OF THE COMPONENTS EXCEEDS 1" IN ACTUAL THICKNESS OR 83" IN LENGTH.

(3) RADIUS-CUT BOX-SPRING-FRAME COMPONENTS, NOT EXCEEDING 1" IN ACTUAL THICKNESS OR 83" IN LENGTH, READY FOR ASSEMBLY WITHOUT FURTHER PROCESSING. THE RADIUS CUTS MUST BE PRESENT ON BOTH ENDS OF THE BOARDS AND MUST BE SUBSTANTIAL CUTS SO AS TO COMPLETELY ROUND ONE CORNER.

(4) FENCE PICKETS REQUIRING NO FURTHER PROCESSING AND PROPERLY CLASSIFIED UNDER HTSUS 4421.90.70, 1" OR LESS IN ACTUAL THICKNESS, UP TO 8" WIDE, 6' OR LESS IN LENGTH, AND HAVE FINIALS OR DECORATIVE CUTTINGS THAT CLEARLY IDENTIFY THEM AS FENCE PICKETS. IN THE CASE OF DOG-EARED FENCE PICKETS, THE CORNERS OF THE BOARDS SHOULD BE CUT OFF SO AS TO REMOVE PIECES OF WOOD IN

THE SHAPE OF ISOSCELES RIGHT ANGLE TRIANGLES WITH SIDES MEASURING 3/4 INCH OR MORE.

(5) U.S. ORIGIN LUMBER SHIPPED TO CANADA FOR MINOR PROCESSING AND IMPORTED INTO THE UNITED STATES, IS EXCLUDED FROM THE SCOPE OF THIS ORDER IF THE FOLLOWING CONDITIONS ARE MET: 1) THE PROCESSING OCCURRING IN CANADA IS LIMITED TO KILN-DRYING, PLANING TO CREATE SMOOTH-TO-SIZE BOARD, AND SANDING, AND 2) IF THE IMPORTER ESTABLISHES TO THE SATISFACTION OF U.S. CUSTOMS AND BORDER PROTECTION (CBP) THAT THE LUMBER IS OF U.S. ORIGIN.

(6) SOFTWOOD LUMBER PRODUCTS CONTAINED IN SINGLE FAMILY HOME PACKAGES OR KITS, (TO ENSURE ADMINISTRABILITY, WE CLARIFIED THE LANGUAGE OF EXCLUSION NUMBER 6 TO REQUIRE AN IMPORTER CERTIFICATION AND TO PERMIT SINGLE OR MULTIPLE ENTRIES ON MULTIPLE DAYS AS WELL AS INSTRUCTING IMPORTERS TO RETAIN AND MAKE AVAILABLE FOR INSPECTION SPECIFIC DOCUMENTATION IN SUPPORT OF EACH ENTRY.) REGARDLESS OF TARIFF CLASSIFICATION, ARE EXCLUDED FROM THE SCOPE OF THIS ORDER IF THE IMPORTER CERTIFIES TO ITEMS 6 A, B, C, D, AND REQUIREMENT 6 E IS MET:

A. THE IMPORTED HOME PACKAGE OR KIT CONSTITUTES A FULL PACKAGE OF THE NUMBER OF WOODEN PIECES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT NECESSARY TO PRODUCE A HOME OF AT LEAST 700 SQUARE FEET PRODUCED TO A SPECIFIED PLAN, DESIGN OR BLUEPRINT;

B. THE PACKAGE OR KIT MUST CONTAIN ALL NECESSARY INTERNAL AND EXTERNAL DOORS AND WINDOWS, NAILS, SCREWS, GLUE, SUB FLOOR, SHEATHING, BEAMS, POSTS, CONNECTORS, AND IF INCLUDED IN THE PURCHASE CONTRACT, DECKING, TRIM, DRYWALL AND ROOF SHINGLES SPECIFIED IN THE PLAN, DESIGN OR BLUEPRINT.

C. PRIOR TO IMPORTATION, THE PACKAGE OR KIT MUST BE SOLD TO A RETAILER OF COMPLETE HOME PACKAGES OR KITS PURSUANT TO A VALID PURCHASE CONTRACT REFERENCING THE PARTICULAR HOME DESIGN PLAN OR BLUEPRINT, AND SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;

D. SOFTWOOD LUMBER PRODUCTS ENTERED AS PART OF A SINGLE FAMILY HOME PACKAGE OR KIT, WHETHER IN A SINGLE ENTRY OR MULTIPLE ENTRIES ON MULTIPLE DAYS, WILL BE USED SOLELY FOR THE CONSTRUCTION OF THE SINGLE FAMILY HOME SPECIFIED BY THE HOME DESIGN MATCHING THE ENTRY.

E. FOR EACH ENTRY, THE FOLLOWING DOCUMENTATION MUST BE RETAINED BY THE IMPORTER AND MADE AVAILABLE TO CBP UPON REQUEST:

- i. A COPY OF THE APPROPRIATE HOME DESIGN, PLAN, OR BLUEPRINT MATCHING THE ENTRY;
- ii. A PURCHASE CONTRACT FROM A RETAILER OF HOME KITS OR PACKAGES SIGNED BY A CUSTOMER NOT AFFILIATED WITH THE IMPORTER;
- iii. A LISTING OF INVENTORY OF ALL PARTS OF THE PACKAGE OR KIT BEING ENTERED THAT CONFORMS TO THE HOME DESIGN PACKAGE BEING ENTERED;
- iv. IN THE CASE OF MULTIPLE SHIPMENTS ON THE SAME CONTRACT, ALL ITEMS LISTED IN E(iii) WHICH ARE INCLUDED IN THE PRESENT SHIPMENT SHALL BE IDENTIFIED AS WELL.

LUMBER PRODUCTS THAT CBP MAY CLASSIFY AS STRINGERS, RADIUS CUT BOX-SPRING-FRAME COMPONENTS, AND FENCE PICKETS, NOT CONFORMING TO THE ABOVE REQUIREMENTS, AS WELL AS TRUSS COMPONENTS, PALLET COMPONENTS, AND DOOR AND WINDOW FRAME PARTS,

ARE COVERED UNDER THE SCOPE OF THIS ORDER AND MAY BE CLASSIFIED UNDER HTSUS SUBHEADINGS 4418.90.45.90, 4421.90.70.40, AND 4421.90.97.40.

FINALLY, AS CLARIFIED THROUGHOUT THE COURSE OF THE INVESTIGATION, THE FOLLOWING PRODUCTS, PREVIOUSLY IDENTIFIED AS GROUP A, REMAIN OUTSIDE THE SCOPE OF THIS ORDER. THEY ARE:

- 1. TRUSSES AND TRUSS KITS, PROPERLY CLASSIFIED UNDER HTSUS 4418.90;
- 2. I-JOIST BEAMS;
- 3. ASSEMBLED BOX SPRING FRAMES;

4. PALLETS AND PALLET KITS, PROPERLY CLASSIFIED UNDER HTSUS 4415.20;
5. GARAGE DOORS;
6. EDGE-GLUED WOOD, PROPERLY CLASSIFIED UNDER HTSUS 4421.90.98.40;
7. PROPERLY CLASSIFIED COMPLETE DOOR FRAMES;
8. PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES;
9. PROPERLY CLASSIFIED FURNITURE.

IN ADDITION, THIS SCOPE LANGUAGE WAS FURTHER CLARIFIED TO SPECIFY THAT ALL SOFTWOOD LUMBER PRODUCTS ENTERED FROM CANADA CLAIMING

NON-SUBJECT STATUS BASED ON U.S. COUNTRY OF ORIGIN WILL BE TREATED AS NON-SUBJECT U.S.-ORIGIN MERCHANDISE UNDER THE COUNTERVAILING DUTY ORDER, PROVIDED THAT THESE SOFTWOOD LUMBER PRODUCTS MEET THE FOLLOWING CONDITION: UPON ENTRY, THE IMPORTER, EXPORTER, CANADIAN PROCESSOR AND/OR ORIGINAL U.S. PRODUCER ESTABLISH TO CBP'S SATISFACTION THAT THE SOFTWOOD LUMBER ENTERED AND DOCUMENTED AS U.S.-ORIGIN SOFTWOOD LUMBER WAS FIRST PRODUCED

IN THE UNITED STATES AS A LUMBER PRODUCT SATISFYING THE PHYSICAL PARAMETERS OF THE SOFTWOOD LUMBER SCOPE.

(SEE SCOPE CLARIFICATION MESSAGE # 3034202, DATED FEBRUARY 3, 2003, TO CBP REGARDING TREATMENT OF U.S. ORIGIN LUMBER ON FILE IN THE CRU.) THE PRESUMPTION OF NON-SUBJECT STATUS CAN, HOWEVER, BE REBUTTED BY EVIDENCE DEMONSTRATING THAT THE MERCHANDISE WAS SUBSTANTIALLY TRANSFORMED IN CANADA.

FINALLY, CERTAIN SOFTWOOD LUMBER PRODUCTS FROM THE MARITIME PROVINCES ARE EXEMPT FROM THIS COUNTERVAILING DUTY ORDER. THIS EXEMPTION, HOWEVER, DOES NOT APPLY TO SOFTWOOD LUMBER PRODUCTS

PRODUCED IN THE MARITIME PROVINCES FROM CROWN TIMBER HARVESTED IN

ANY OTHER PROVINCE AND APPLIES ONLY TO ENTRIES OF SOFTWOOD LUMBER

PRODUCTS FROM CANADA WHICH ARE ACCOMPANIED BY AN ORIGINAL CERTIFICATE OF ORIGIN ISSUED BY THE MARITIME LUMBER BUREAU (MLB).

3. FOR SEED TIMBER CO. LTD. THE NET SUBSIDY WAS FOUND TO BE 2.22 PERCENT AD VALOREM FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003.

4. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA PRODUCED AND EXPORTED BY THE PRODUCER/EXPORTER LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003.

PRODUCER/EXPORTER	ID NUMBER	RATE
SEED TIMBER CO. LTD.	C-122-839-080	2.22 PERCENT

5. ALL SHIPMENTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA PRODUCED AND EXPORTED BY SEED TIMBER CO. LTD. ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003 SHOULD BE LIQUIDATED.

6. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAYS INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE FROM THIS PRODUCER/EXPORTER EXPORTED FROM JANUARY 1, 2003 TO

DECEMBER 31, 2003 IS LIFTED. SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE EXPORTED AFTER DECEMBER 31, 2003 WILL CONTINUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) OFFICERS, THE IMPORTING PUBLIC AND INTERESTED PARTIES, CONTACT DAVINA HASHIMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY G2O3:KJ).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party